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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,455	10/06/2006	Wilfried Rahse	H6244PCT/US (13744-00018-	7178

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EXAMINER	
ASDJODI, MOHAMMAD REZA	

ART UNIT	PAPER NUMBER
1796	

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05/20/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/589,455	RAHSE, WILFRIED	
	Examiner	Art Unit	
	MOHAMMAD R. ASDJODI	1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02/27/08*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *58,60-65,68,71-77,80 and 81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *58,60-65,68,71-77,80 and 81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 58, 60-65, 68, 71-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wevers et al. (US 4,559,169) in view of Cooper et al. (US 2004/0138086 A1).

Regarding claim 58, 68, Wevers et al. teaches a stable detergent composition as microemulsion; [C.22, L.30], comprising a natural oil; [C.6, L.25-35, C.21, L.58], water by the amount of more than 50%; [C.13, Table VI], hydrophilic and lipophilic (cationic polymeric quaternary ammonium compounds and ethoxylated fatty alcohols) emulsifiers; [C.3, L.25-30, 50; C.21, L.37, C.24, L.4-5], wherein the composition is contacting and rinsing a fabric; [abst. , C.1 L.25-30, & C.12, L.58].

Wavers et al. do not, explicitly, mention the use of automatic washing machine in a method comprising the components of instant claim. However, Cooper et al. teach an aqueous method of treating and rinsing fabric (composition with or without a detergent) by an automatic washing machine; [¶.0326, ¶. 0260-62, ¶.0287]. Cooper et al. and Wavers et al. are analogous (or combinable) art because they are from the same field of endeavour, that of compositions and methods of fabric treatment. At the

time of invention, it would have been obvious to a person of ordinary skill in the art to combine the fabric treating method of Cooper with microemulsion composition of Wavers et al. The motivation would have been to utilize the advantages of automatic washing machine in treating a fabric with a microemulsion composition.

Regarding claim 60, Wevers et al. do not explicitly teach the average sizes of droplets. It is well known in the art that the size of droplets, beside physic-chemical properties of composition and its formulation, are direct consequence of mechanical stirring and mixing energy applied on system. These variables are controllable and adjustable with respect to types of desired emulsions (e.g. microemulsion, nanoemulsion…etc.). As known in the art the droplet size of microemulsions are generally in the range of 100nm.

Regarding claims 61-63, Wevers et al. disclose a microemolsion composition comprising a cationic polymer; [C.3. L.3], with the amount of about 2%; [C.2, L.4-7], wherein the aforementioned cationic polymer comprises a polymeric quaternary ammonium compound; [C.3. L.3 & C.3, L.45-65].

Regarding claims 64-65, Wevers et al. disclose presence of sequestering agents such as polycarboxylates and citric acid; [C.6, L.50-55].

Regarding claim 71, Wevers et al. teach presence of an oil with the amount of 10 to 30%; [C.6, L.35-42].

Regarding claim 72, Wevers et al. teach every limitation of instant claim, as applied to claim 58, except the thickener agent. However, Cooper et al. teach an emulsion system comprising ingredients such as fabric softener and thickener; [¶.0001,

0016]. At the time of invention, it would have been obvious to a person of ordinary skill in the art to add the thickener of Cooper et al.'s washing method to microemulsion composition of Wavers et al. with the the motivation of enhancing viscosity and stability of fabric treating microemulsion composition.

Regarding claim 73, Wevers et al teach the pH of microemulsion as being adjusted to 6.6; [C.22, L.55]. " a prima facie case of obviousness exists where the claimed ranges and prior art ranges do not overlap but are close enough that one skilled in the art would have expected [the claimed product and a product disclosed in the prior art] to have the same properties." *Titanium Metals Corp. of America v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985), *[MPEP 2131.03, R6]*.

Regarding claim 74, Wevers disclose the presence of citric acid. Citric acid is an acidic buffer compound; [C.6, L.50-55].

Regarding claims 75 and 76, Wevers et al. teach every limitation of instant claims except the viscosity and density of microemulsion. The Office realizes that all the claimed effects or physical properties, such as viscosity (which is quite adjustable through using thickeners or viscosity modifying agents) and density, are not positively stated by the reference. However, the reference teaches all of the claimed reagents. Therefore, the claimed effects and physical properties (viscosity and density) would implicitly be achieved by a composition with all the claimed ingredients. If it is the applicant's position that this would not be the case: (1) evidence would need to be presented to support applicant's position; and (2) it would be the Office's position that

the application contains inadequate disclosure that there is no teaching as to how to obtain the claimed properties and effects with only the claimed ingredients.

Claims 77, 80-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wevers et al. (US 4,559,169).

Regarding claim 77, Wevers et al. teaches a stable detergent composition as microemulsion; [C.22, L.30], comprising a natural oil; [C.6, L.25-35, C.21, L.58], antioxidant; [C.6, L.60], water by the amount of more than 50%; [C.13, Table VI], hydrophilic and lipophilic (cationic polymeric quaternary ammonium compounds and ethoxylated fatty alcohols) emulsifiers; [C.3, L.25-30, 50; C.21, L.37, C.24, L.4-5].

Regarding the droplet size of microemulsion, Wevers does not explicitly teach the average sizes of droplets. It is well known in the art that the size of droplets, beside physic-chemical properties of composition and its formulation, are direct consequence of mechanical stirring and mixing energy applied on system. These variables are controllable and adjustable with respect to types of desired emulsions (e.g. microemulsion, nanoemulsion...etc.). As known in the art the droplet size of microemulsions are generally in the range of 100nm.

Regarding claims 80-81, Wevers et al. disclose a microemulsion composition comprising; a cationic polymer; [C.3. L.3], and an acidic buffer; [C.6, L.50-55].

Response to Arguments

Applicant's arguments with respect to claims 58-81 have been considered but are moot in view of the new ground(s) of rejection.

Claims 59, 66, 67, 69, 70, 78, and 79 are canceled.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARK EASHOO/
Supervisory Patent Examiner, Art Unit 1796
18-May-08

/M. R. A./
Examiner, Art Unit 1796
05/17/08